

REMARKS

A. Introduction

Claims 1-8 were pending and under consideration in the application.

In the Office Action of September 29, 2008 claims 1, 2, and 8 were rejected under 35 U.S.C. §102(b), as being anticipated by *Arima*, JP 05-265767 (hereinafter, "*Arima*").

Claim 3 was rejected under 35 U.S.C. §103(a), as being unpatentable over *Arima* in view of Hashimoto, JP57-071508 (hereinafter, "*Hashimoto*").

Claims 4 and 5 were rejected under 35 U.S.C. §103(a), as being unpatentable over *Arima* in view of Dawson, et al., (U.S. 6,311,213) (hereinafter, "*Dawson*").

Claim 6 was rejected under 35 U.S.C. §103(a), as being unpatentable over *Arima* in view of *Dawson*, and further in view of Kim, U.S. 6,587,915, (hereinafter, "*Kim*").

Claim 7 was rejected under 35 U.S.C. §103(a), as being unpatentable over *Arima* in view of *Hashimoto*, and further in view of Aasheim, et al., U.S. 7,178,061, (hereinafter, "*Aasheim*").

In response, Applicants seek to amend the claims for clarity. No new matter is being added.

Applicants submit that the Examiner should enter the offered amendment, because the amendment places the case in condition for allowance. 37 CFR §1.116; MPEP 714.12, 714.13.

B. Rejections under 35 U.S.C. 102(b)

In the Office Action of September 29, 2008 claims 1, 2, and 8 were rejected under 35 U.S.C. §102(b), as being anticipated by *Arima*.

Arima discloses a read only memory (ROM) storage wherein a starting program is redundantly stored in the separate fields of a common ROM (see, for example *Arima*, drawing 2, where ROM 2 has first, second and third program storage areas 11, 12, and 13.) The same ROM is also provided with an initial diagnostic storing field (drawing 2,

element 10). Upon initiating the starting program, the initial diagnostic routine stored in the ROM checks the content of the first program storage area 11 and starts the program stored therein if the results of the check are normal; otherwise, the content of the second program storage area 12 is similarly checked, and starts the program stored therein if the results of the check are normal. *Arima*, paragraph 0011.

The office action asserted that *Arima* discloses reading out a boot program from a data-rewriteable nonvolatile memory, and that Applicants' read control circuit (RCC) is anticipated by the CPU "in conjunction with the program" of *Arima*. These assertions lack merit. First, *Arima* describes using only read only memory and random access memory, neither of which reads on Applicants' claimed data-rewritable non-volatile memory. Second, *Arima* fails to teach or suggest a semiconductor device having a CPU and a RCC where the RCC determines whether data on a data-rewriteable nonvolatile memory is faulty or not. In order to reach a contrary opinion, the Office Action improperly combines elements that *Arima* expressly discloses as separate: *Arima*'s CPU (*Arima*, drawing 1, element 1) and the initial diagnostic routine stored in a field of the ROM (*Arima*, drawing 2, element 10).

A finding that a claim is anticipated requires that "each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Because *Arima* fails to disclose at least the features of the claims discussed above, independent claims 1 and 8, and claim 2, which depends from claim 1, are patentable over *Arima*.

C. Rejections under 35 U.S.C. 103(a)

1. Claim 3 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Arima* in view of *Hashimoto*.

Hashimoto is cited for disclosing a read control circuit correcting data and supplying it to the CPU when it determines that the data is correctable according to an error correction code. Whether or not this is true, such disclosure fails to cure the

deficiencies noted above. As a result, claim 3 is patentable over the combination of *Arima* and *Hashimoto*.

2. Claims 4 and 5 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Arima* in view of *Dawson*.

Dawson is cited for disclosing determining that a data block is faulty or not faulty according to a block state information. Whether or not this is true, such disclosure fails to cure the deficiencies noted above. As a result, claims 4 and 5 are patentable over the combination of *Arima* and *Hashimoto*.

3. Claim 6 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Arima* in view of *Dawson*, and further in view of *Kim*.

Kim is cited for disclosing storing of block state information in a leading page of a data block. Whether or not this is true, such disclosure fails to cure the deficiencies noted above. As a result, claim 6 is patentable over the combination of *Arima*, *Dawson* and *Kim*.

4. Claim 7 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Arima* in view of *Hashimoto*, and further in view of *Aasheim*.

Aasheim is cited for disclosing a NAND type flash memory. Whether or not this is true, such disclosure fails to cure the deficiencies noted above. As a result, claim 7 is patentable over the combination of *Arima* and *Hashimoto*.

D. Conclusion

In view of the foregoing, it is submitted that claims 1-8 are allowable and that the application is in condition for allowance. Early notice to that effect is respectfully requested.

If any further fees are required in connection with the filing of this amendment, please charge the same to out Deposit Account No. 19-3140.

	Respectfully submitted, SONNENSCHN NATH & ROSENTHAL LLP
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